

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-319-S - ORDER NO. 2009-100
FEBRUARY 26, 2009

IN RE: Complaint of Anthony Moore v. Palmetto Utilities, Inc.) ORDER GRANTING) PALMETTO UTILITIES,) INC.'S MOTION TO) DISMISS
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the motion, filed December 18, 2008, of Palmetto Utilities, Inc. ("PUI") to dismiss the above-referenced complaint of Anthony Moore ("Moore" or "Complainant"). On January 22, 2009, this Commission issued Order No. 2009-36, which held in abeyance PUI's motion to dismiss the complaint and allowed the Complainant the opportunity to respond to PUI's motion to dismiss and verified supporting documentation.

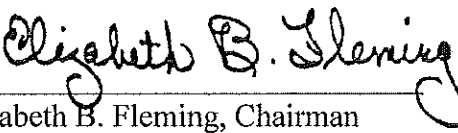
In order to afford Moore full notice of his procedural obligations and ample opportunity to be heard, the Commission in Order No. 2009-36 instructed Moore to file any response to PUI's motion to dismiss within ten (10) days of the receipt of Order No. 2009-36.¹ By Order No. 2009-36, the Complainant was further instructed that, if he failed to file a substantive response to the motion to dismiss within the time period afforded him to do so, the motion may be deemed unopposed and granted without a hearing.

¹ The Commission's record reflects that Moore received Order No. 2009-36 by U.S. Postal Service Certified Mail on January 27, 2009.


To date, the Complainant has not filed any response to the motion. On the other hand, PUI has verified its allegations by affidavit filed January 13, 2009. As Moore has had ample opportunity to file a response to the motion to dismiss, but has failed to do so, the Commission deems the motion unopposed and grants the relief sought. The Complaint of Anthony Moore against Palmetto Utilities, Inc. is hereby dismissed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman
(SEAL)